

## REMARKS

Claims 1-49 remain pending in the instant application. All claims presently stand rejected. Claims 1, 4, 43, and 47 are amended herein. Claims 13-42 are hereby cancelled without prejudice. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

### *Claim Rejections – 35 U.S.C. § 102*

Claims 1-49 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ellis et al. (US 6,898,762).

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

Amended independent claim 1 now recites, in pertinent part,

broadcasting content descriptors, which describe available content being considered for potential inclusion in a future broadcast schedule, to one or more clients;

receiving feedback from said one or more clients regarding the content descriptors, the feedback being an indication from said one or more clients of the relative desirability of the available content described by the content descriptors;

refining a list of available content in response to the feedback to create the future broadcast schedule, **wherein refining the list of available content prioritizes an order in which at least a portion of the available content described by the content descriptors will be broadcast;** and

**broadcasting the available content** listed in the refined list of available content, according to the future broadcast schedule **as prioritized by the refining**, to said one or more clients.

Applicants respectfully submit that Ellis fails to disclose a technique whereby feedback received from clients is used to refining a list of available content to prioritize an order in which the available content described by content descriptors will be broadcast to the clients.

Ellis discloses an interactive television program **guide** system in which server resources are used to provide enhanced program guide features not provided by

conventional set-top-box-based program guides (*Ellis*, col. 1, lines 38-42). The interactive television program **guide** provides a user with an opportunity to view television program listings (*Ellis*, col. 10, lines 40-41). This system collects user preference profiles at a server and uses the profiles to filter program **guide** data. In this way, only program **guide** data that is of interest to the user is provided to the client for display in the client user guide (*Ellis*, col. 2, lines 23-29). The user may define Boolean or natural language expressions for searching through and sorting program **guide** data, scheduling reminders, automatically recording programs, or parentally controlling programs (*Ellis*, col. 2, lines 36-41; col. 12, lines 32-50). For example, “[t]he user may enter a natural language phrase, such as ‘List in alphabetical order all action programs starring Bruce Willis and that start today between 7:00P and 11:00P and that end between 9:00P and 1:30A’ using the user interface 46 (FIG. 4).” *Ellis*, col. 13, lines 12-16.

Accordingly, *Ellis* discloses an interactive user guide that enables the user to filter their program guide so that only programs of interest to the user are displayed in their program guide. However, *Ellis* fails to disclose any alteration of the actual broadcast schedule. **Filtering what is displayed in a user guide fails to disclose prioritizing the order in which the content described by the program guide is actually broadcasted to the client.**

Furthermore, independent claim 1 recites creating a future broadcast schedule based on user feedback which prioritizes the order in which the available content will actually be broadcast. In contrast, *Ellis* only discloses modifying/filtering the program guide based on user feedback. However, the program guide merely describes the content which will be broadcast, it is not the actual content itself. *Ellis* simply makes no mention of prioritizing the order in which available content described by the program listing screen 130 (i.e., the disclosed program guide) **will be broadcast.**

Finally, claim 1 now recites, in pertinent part, “broadcasting content descriptors, which describe available content being considered for **potential inclusion in a future broadcast schedule...**” *Ellis* fails to disclose broadcasting content descriptors that describe content which is merely being considered for “potential inclusion in a future broadcast schedule.” Rather, *Ellis* discloses broadcasting program guide data that

describes content which has already been scheduled in a current broadcast schedule. The program guide disclosed in Ellis describes the actual, currently scheduled programs that “will” be broadcast at the future time slot. In other words, the program guide only describes “already” scheduled programs of a “current” broadcast schedule—not available content being considered for “potential” inclusion in a “future” broadcast schedule.

Consequently, Ellis fails to disclose each and every element of claim 1, as required under M.P.E.P. § 2131. Independent claims 4, 43, and 47 include similar novel elements as independent claim 1. Accordingly, Applicants request that the instant §102 rejections of claims 1, 4, 43, and 47 be withdrawn.

The dependent claims are novel over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 102 rejections for the dependent claims be withdrawn.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

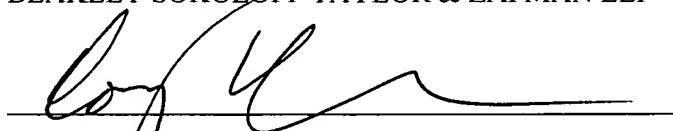
### CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: July 13, 2006

A handwritten signature in black ink, appearing to read 'Cory G. Claassen', is written over a horizontal line.

Cory G. Claassen

Reg. No. 50,296

Phone: (206) 292-8600